

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:99-00024

BRIAN STEPP

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 3, 2015, the United States of America appeared by Timothy D. Boggess, Assistant United States Attorney, and the defendant, Brian Stepp, appeared in person and by his counsel, Brian D. Yost, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a five-year term of supervised release in this action on March 22, 2012, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 22, 1999.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed methamphetamine as evidenced by positive urine screens submitted by him on November 3 and December 29, 2014, and January 14, 2015; the defendant's admission to the probation officer on November 3, 2014, that he nasally ingested three lines of methamphetamine on November 1, 2014; the defendant's admission to the probation officer on January 20, 2015, that he had used methamphetamine on December 26 and 27, 2014, and January 3, 2015; the defendant's admission to the probation officer on February 10, 2015, that he had used methamphetamine regularly for the previous three weeks, indicating that he was smoking methamphetamine approximately every other day; a positive urine specimen submitted by him on May 12, 2015; the defendant's admission to the probation officer on May 13, 2015, that he smoked methamphetamine on May 9, 2015; and a positive urine specimen submitted by him on July 6, 2015, the defendant having admitted to Probation Officer Justin Gibson that he had used methamphetamine approximately four days earlier; (2) the defendant failed to appear for urine

collections as directed on January 5, February 9, May 27, and June 8, 10, 23 and 30, 2015; and (3) the defendant failed to submit monthly reports for March, April and May, 2015; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

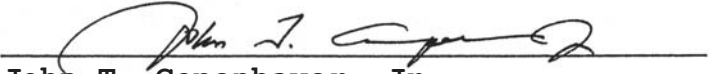
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS, to be followed by a term of fifty-six (56)

months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he participate in the six-month residential drug abuse counseling and treatment program at Riverside, and in addition the 28-day inpatient program if it is available, and follow the rules and regulations of the facility. The defendant shall continue drug abuse counseling and treatment once released from the residential program as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 4, 2015


John T. Copenhaver, Jr.
United States District Judge